

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

JANET JENKINS	:	
	:	
v.	:	Case No. 2:12-cv-184
	:	
KENNETH L. MILLER ET. AL.,	:	
	:	
Defendants.	:	

FINAL MODIFIED DISCOVERY SCHEDULE / ORDER

The discovery schedule/order is hereby amended as follows:

1. **Interrogatories and Requests for Production.** The parties shall serve all interrogatories and requests for production on or before six weeks before the deadline to complete all discovery.

2. **Depositions.** Depositions of all witnesses shall be completed by the deadline to complete all discovery. Plaintiffs are entitled to take the deposition of each Defendant, ten nonparty fact witnesses, and any rebuttal expert witnesses that Defendants may disclose. See Op. & Order, ECF 450. Defendants are entitled to take the deposition of Plaintiffs, ten nonparty fact witnesses, and the four expert witnesses Plaintiffs have disclosed.

3. **Deadline to Complete All Discovery.** All discovery shall be completed 180 days after the later of (1) the entry of this order and (2) the date the Court rules on the Motion for Partial

Summary Judgment as to All Claims Plaintiff Janet Jenkins Purports to Bring as Next Friend of Isabella Miller, ECF 495 ("Isabella Motion"). See Fed. R. Civ. P. 6(a). Unless the Court orders otherwise, discovery is not stayed, including pending the Court's resolution of the Isabella Motion.

4. Deadline to Complete All Expert Discovery. Defendants shall disclose rebuttal experts, if any, 90 days after the later of (1) the entry of this order and (2) the date the Court rules on the Isabella Motion. The deadline to complete all expert discovery shall be the deadline to complete all discovery.

5. Requests for Admission. The parties shall serve all requests for admission on or before four weeks after the deadline to complete all discovery.

6. Motions. Motions, including summary judgment motions but excluding motions relating to the conduct of trial, shall be filed on or before six weeks after the deadline to complete all discovery ("Motion Deadline").

7. Trial. This case shall be ready for trial by the first Monday 90 days after the deadline to complete all discovery, but if any summary judgment motions are timely filed and pending as of the Motion Deadline, then this case instead shall be ready for trial by the first Monday 60 days after the Court rules on all such summary judgment motions. See Fed. R. Civ. P. 6(a).

8. **COVID-19.** To ensure the health of all parties, third-party witnesses, and counsel ("Deposition Attendees"), of Deposition Attendees' households, and of the general public during the COVID-19 pandemic, and to prevent further delay in this case, all depositions, including the administration of the oath to the deponent by the officer, shall be taken solely by telephone, videotelephone, or other remote means, unless the Court on motion orders otherwise. See Fed. R. Civ. P. 28, 29, 30. Any party may request the Court exempt a deposition from this requirement by making a showing of extraordinary circumstances that would justify a live deposition. Furthermore, if significant changes develop in the status of the COVID-19 pandemic, any party may petition the Court for review of this Order.

The officer need not be authorized to administer oaths by federal law or by the law in the place of examination. See *id.* Deposition Attendees have the right to attend depositions remotely and shall be provided means to participate in all depositions remotely. See Fed. R. Civ. P. 28 and 30. Deposition Attendees shall confer in good faith regarding arrangements for any deposition, including of a deponent confined in prison, see Fed. R. Civ. P. 30(a)(2)(B) (requiring leave of court if deponent is confined in prison), taking into account all applicable, pandemic-related governmental requirements,

restrictions, and recommendations, such as those related to traveling, quarantining, mask-wearing, and social distancing.

DATED at Burlington, in the District of Vermont, this 14th, day of September, 2020.

/s/ William K. Sessions III
William K. Sessions III
District Court Judge